

110TH CONGRESS
2D SESSION

H. R. 6023

To amend title 18, United States Code, to prohibit certain forms of interference with military recruiting.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2008

Mr. AKIN (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. BROWN of South Carolina, Mr. PITTS, Mr. WAMP, Mr. DOOLITTLE, Mrs. MYRICK, Mrs. BACHMANN, Mr. DAVID DAVIS of Tennessee, Mr. FEENEY, Mr. GINGREY, Mr. MARCHANT, Mr. BARTLETT of Maryland, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. WILSON of South Carolina, Mr. POE, Mr. CONAWAY, Mr. CHABOT, Mr. COBLE, Mr. SAM JOHNSON of Texas, Mr. HELLER of Nevada, Mr. BROUN of Georgia, and Mr. BISHOP of Utah) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit certain forms of interference with military recruiting.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freedom to Serve Act
5 of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) According to article I, section 8 of the
2 United States Constitution, Congress has the power
3 to raise and support armies and to provide and
4 maintain a navy; and to make all laws necessary and
5 proper to carry out these powers.

6 (2) The First Amendment states: “Congress
7 shall make no law respecting an establishment of re-
8 ligion, or prohibiting the free exercise thereof; or
9 abridging the freedom of speech, or of the press; or
10 the right of the people to peaceably assemble, and to
11 petition the government for a redress of griev-
12 ances.”.

13 (3) According to the United States Supreme
14 Court, the right to peaceable assembly is a right
15 similar to those of free speech and free press and is
16 equally essential. (*De Jonge v. Oregon*).

17 (4) The key word being “peaceably”, the First
18 Amendment protects peaceful, not violent, assembly
19 and protest.

20 (5) The successful recruiting of men and
21 women to serve in the armed services of the United
22 States is fundamental to the security of the Amer-
23 ican people.

1 (6) Serving in the military is highly honorable,
2 and often requires great sacrifice and courage by the
3 men and women of our armed services.

4 (7) United States military recruiters have been
5 subject to an escalating number of acts of vandalism
6 and violent protest, including but not limited to:

7 (A) March 2003: Anti-war protestors in
8 Ithaca, NY, target a recruitment center that
9 had been hit before with Molotov cocktails. On
10 St. Patrick's Day, wielding cups of their own
11 blood, they entered a Lansing military recruit-
12 ment office and splashed their blood over re-
13 cruiter posters, military cutouts and the Amer-
14 ican flag.

15 (B) January 20, 2005: At Seattle Central
16 Community College, Army recruiter Sgt. Jeff
17 Due and his colleague Sgt. 1st Class Douglas
18 Washington were hounded by an angry mob of
19 approximately 500 anti-war students. The re-
20 cruiters' table was destroyed; their handouts,
21 torn apart. Protesters threw water bottles and
22 newspapers at the soldiers. A far-left anti-war
23 group had been agitating to kick the recruiters
24 off campus. The college administration refused
25 to punish the radicals.

1 (C) January 31, 2005: Recruiters in Man-
2 hattan reported that a door to their office had
3 been beaten in. Various anti-war symbols were
4 scrawled in red paint on the building. On the
5 same day, New York police arrested a young
6 Manhattan College junior and charged him with
7 throwing a burning rag into an Army recruiting
8 station and ruining the door locks with super
9 glue.

10 (D) February 1, 2005: At a South Toledo,
11 Ohio, recruitment center, protesters hurled ma-
12 nure all over the building. They broke windows
13 and sprayed vulgar graffiti on office property.

14 (E) March 2005: In East Orange, NJ,
15 young anti-military protesters shattered the
16 windows of an Army recruitment station and a
17 neighboring Navy office.

18 (F) March/April 2005: Anti-war protestors
19 at New York's Bronx Community College shut
20 down several military recruitment sessions. At
21 UC Santa Cruz, protestors drove recruiters off
22 campus after an hour-long demonstration of
23 shouting and window banging.

24 (G) May 2005: Student protestors
25 swarmed the booths of the U.S. Army Corps of

1 Engineers and the USAF at a San Francisco
2 State University career fair. In Wisconsin, an
3 Air Force ROTC information day was canceled
4 due to threats by an anti-war group at the Uni-
5 versity of Wisconsin-Madison.

6 (H) April 2006: UC Santa Cruz students
7 ambushed military recruiters. Vandals at the
8 University of North Carolina at Chapel Hill
9 tossed cans of red paint in front of an ROTC
10 office and spray-painted vulgarities all over its
11 doors. University of Minnesota students splat-
12 tered red paint all over an Army recruiting sta-
13 tion.

14 (I) December 2006: Protesters in Law-
15 rence, Kansas crippled business at an Army/
16 Navy recruitment center, where workers' car
17 tires were slashed and bomb-proof glass had to
18 be installed.

19 (J) January 2007: Pittsburgh protestors
20 shut down a recruitment station for a day,
21 wielding signs calling recruiters "child preda-
22 tors".

23 (K) March 2007: Vandals broke into a Mil-
24 waukee recruitment station wielding crowbars.

1 (L) July 2007: A protestor in Bremerton,
2 Wash., slashed tires of Army recruiting vehicles
3 to protest the Iraq war because he “hated the
4 military”. In Maryland, vandals smashed a
5 Rockville Air Force career center. In Lufkin,
6 Texas, Navy recruiters were the targets of van-
7 dals who keyed their cars, smashed their win-
8 dows and shot at their vehicles with “what ap-
9 peared to be a high-powered pellet gun”.

10 (M) August 2007: In Stamford, Conn., a
11 protestor twice left a fake bomb package at a
12 military recruitment office.

13 (N) September 2007: An anti-war group
14 calls on followers to commit fraud to interfere
15 with military recruiters. Anti-war protestors
16 shut down the Times Square recruitment sta-
17 tion.

18 (O) October 2007: An anti-war group de-
19 faces the Berkeley recruitment office.

20 (P) January 2008: Protesters chain them-
21 selves to the Berkeley recruiting center to shut
22 it down, and vandalize the windows with bloody
23 handprints and signs branding recruiters
24 “death pimps”.

1 (Q) February 2008: Vandals trash the re-
2 cruiting station at 14th and L Streets in Wash-
3 ington, DC, which has been subjected to mul-
4 tiple attacks.

5 (R) March 2008: A bomb goes off at the
6 Times Square recruitment station.

7 (8) In the face of escalating threats against
8 military recruiters and facilities, Congress must take
9 steps to increase protection of military recruiters
10 and those who wish to serve their country in uni-
11 form.

12 **SEC. 3. INTERFERENCE WITH MILITARY RECRUITING.**

13 (a) OFFENSE.—Chapter 67 of title 18, United States
14 Code, is amended by adding at the end the following:

15 **“§ 1389. Interfering with military recruiting**

16 “(a) Whoever—

17 “(1) by force or threat of force or by physical
18 obstruction, injures, intimidates or interferes with or
19 attempts to injure, intimidate or interfere with any
20 person because that person is or has been providing
21 Federal or State military recruiting services;

22 “(2) by force or threat of force or by physical
23 obstruction, injures, intimidates or interferes with or
24 attempts to injure, intimidate or interfere with any
25 person lawfully exercising or seeking to exercise

1 their right to inquire about or volunteer for service
2 in the active or reserve armed services of the United
3 States or the National Guard of any State; or

4 “(3) intentionally damages or destroys the
5 property of a facility, or attempts to do so, because
6 such facility houses or hosts military recruiting serv-
7 ices;

8 shall be punished as provided in subsection (b).

9 “(b) The punishment for an offense under this sec-
10 tion is—

11 “(1) in the case of a first offense, a fine under
12 this title or imprisonment for not more than one
13 year, or both; and

14 “(2) in the case of a second or subsequent of-
15 fense after a prior conviction under this section, a
16 fine under this title or imprisonment for not more
17 than 3 years, or both.

18 “(c) In this section—

19 “(1) the term ‘facility’ includes the building or
20 structure in which recruiting is conducted;

21 “(2) the term ‘interfere with’ means to restrict
22 any person’s ability or freedom to easily enter or
23 leave a recruiting office;

1 “(3) the term ‘intimidate’ means to place a per-
2 son in reasonable apprehension of bodily harm to
3 that person or to another;

4 “(4) the term ‘physical obstruction’ means ren-
5 dering impassable entrance into or exiting from a fa-
6 cility that provides military recruiting services, or
7 rendering passage to or from such a facility unrea-
8 sonably difficult or hazardous;

9 “(5) the term ‘military recruiting services’
10 means the provision by representatives of the Gov-
11 ernment or of the armed services, to individuals who
12 might wish to serve in the armed services, of infor-
13 mation about military service, assistance in selecting
14 a branch of military service, enlistment information,
15 or any other necessary assistance needed to join the
16 armed services of the United States; and

17 “(6) the term ‘State’ means a State of the
18 United States, the District of Columbia, and any
19 commonwealth, territory, or possession of the United
20 States.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of chapter 67 of title 18, United States
23 Code, is amended by adding at the end the following new
24 item:

“1389. Interfering with military recruiting.”.

1 (c) DIRECTION TO SENTENCING COMMISSION.—The
2 United States Sentencing Commission, in establishing or
3 amending sentencing guidelines with respect to offenses
4 under the section added to title 18 by this Act, shall con-
5 sider the threat posed to national security and the national
6 defense by these offenses an aggravating factor so that
7 the base levels for punishment for these offenses is greater
8 than those for otherwise similar offenses.

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